

REMARKS

Claims 1-35 are pending, of which claims 1, 18, 24, and 31 are independent method claims and claim 27 is a computer program product claim corresponding to claim 18. As indicated above, claims 1, 2, 5-7, 9-11, 18, 20, 24-27, 29-31, and 34 have been amended by this paper¹

The Final Office Action of July 27, 2005 considered claims 1-35. Claims 1-11, 13-35 were rejected under 35 U.S.C. 102(e) as being anticipated by Goode (U.S. Patent No. 6,718,552). Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Goode (U.S. Patent No. 6,718,552).²

As defined in independent claim 1, applicants' inventive method is directed to restructuring a broadcast and comprises generating viewing behavior information at a first home entertainment system. Claim 1 defines, upon the occurrence of an event at a first home entertainment system, initiating usage tracking of how viewable moving image data of a selected channel, from among a plurality of channels, is being used is initiated at the first home entertainment system. Next Claim 1 defines, in response to the event, identifying information related to how the viewable moving image data is being used at the first home entertainment system. Next claim 1 defines, coupling the event with the identified information to generate user behavior information for the first home entertainment system, the user behavior information describing how the first home entertainment system is using the viewable moving image data. Next claim 1 defines, combining the user behavior information from the first home entertainment system with user behavior information from other home entertainment systems that corresponds to the viewable moving image data, wherein user behavior information from other home entertainment systems includes events used to initiate usage tracking of the viewable moving image data at the other home entertainment systems coupled to corresponding identified

¹Support for the amendments can be found throughout the Specification, and particularly at page 1, line 8, page 1, lines 15-23, page 12, lines 6-8, page 15, line 22 – page 16, line 3, page 17, line 7 – page 18, line 17, page 20, lines 7-13, page 21, lines 12-22, and Figure 5.

²Although the prior art status and some of the assertions made with regard to the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last response, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections.

information related to how the other home entertainment systems are using the viewable moving image data, the user behavior information from other home entertainment systems describing how the other home entertainment systems are using the viewable moving image data. Lastly, claim 1 defines dynamically restructuring the broadcast of at least the selected channel, by at least restructuring the viewable moving image data, and without having to change allocated bandwidth to said selected channel, based on the combined user behavior information describing how the viewable moving image data is being used so as to optimize the use of the fixed bandwidth.

Independent method claim 18 and its computer program product counterpart (e.g., claim 27) and method claims 24 and 31 claim the method in terms similar to those of claim 1, except that the steps recited in claim 1 have been replaced by specific acts.

In the office action, each of the independent claims, 1, 18, 24, 27, and 31 were rejected using Goode (U.S. Patent No. 6,718,552) as the primary reference.³

Goode is directed to a network bandwidth optimization system. The Goode system allocates channels within the broadest spectrum to video-programming having high viewership characteristics. (Col. 3, lls. 6-9). Remaining video-programming is then allocated to the remaining channels and is transmitted only upon demand by customers. (Col. 3, lls. 10-12). Thus, channels characterized by high viewership statistics are semi-static, while channels characterized by lower viewership statistics are dynamically allocated on-demand channels or narrow cast channels. (Col. 3, l. 21 – Col. 4, l. 50). Channel slots (bandwidth allocations) for channels can be varied over time. (Col. 4, l. 60 – Col. 5, l. 4). Session Control Managers (SCM) can collect information from subscriber stations regarding frequency of channel usage and favorite channel selections. (Col. 5, lls.36-39). Collected information is made available to a broadcast interconnect, which uses the information to manage broadcast and narrowcast channels. (Col. 5, lls.39-42).

However, none of the cited references or other prior art of record, either singly or in combination, anticipate or make obvious, Applicant's inventive method for restructuring a

³ In the office action, claims 1-11 and 13-35 was rejected under 35 U.S.C. § 102(e) as being anticipated by Goode. Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Goode. With respect to claim 12, official notice was taken that electronic program guides that provide data to at least one of program and an advertisement are notoriously well known in the art.

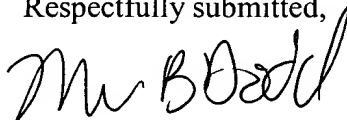
broadcast. In particular, none of the references of record anticipate or make obvious coupling an event with identified information to generate user behavior information for a first home entertainment system, the user behavior information describing how the first home entertainment system is using viewable moving image data and dynamically restructuring the broadcast of at least a selected channel, by at least restructuring the viewable moving image data, and without having to change allocated bandwidth to said selected channel, based on combined user behavior information describing how the viewable moving image data is being used so as to optimize the use of the fixed bandwidth. For at least these reasons Applicants respectfully submit that the cited art fails to anticipate or make obvious claims 1, 18, 24, 27, and 31. Favorable reconsideration and allowance over the prior art is thus respectfully requested.⁴

Claim 24 was objected to due to a misspelling. By this amendment claim 24 has been amended rendering this objection moot. Accordingly, the Examiner is requested to reconsider and withdraw this formal ground for rejection.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 26th day of September, 2005.

Respectfully submitted,



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⁴ Further, each of the dependent claims depend from one of the independent claims 1, 18, 24, 27, and 31 and thus inherent all the limitations of one of claims 1, 18, 24, 27, and 31, accordingly none of the cited references or other prior art of record, either singly or in combination, anticipate or make obvious any of these pending dependent claims.